

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-4 remain in this application.

Claims 1-4 have been amended to address antecedent basis issues and in consideration of U.S. practice and preferences; the amendments are not substantive and do not introduce new matter.

New claims 5-10 further recite the invention. The new claims find support in the specification, the drawing figures, and the claims as originally filed and introduce no new matter. In particular, new dependent claims 5 and 10 find support at least in the specification at page 5, lines 24-27, page 6, lines 26-29, and Figure 3.

The specification is amended to revise a reference to the claims so as not to refer to the claim by number, and further to reflect the amendments to the claims indicated above. The specification is further amended to address a minor typographical error. The aforementioned amendments to the specification do not introduce new matter.

The Official Action rejected claims 1-4 under 35 USC 102(b) as being anticipated by Rothman (US Pub. 2004/0143885; "ROTHMAN").

In reply, it is respectfully submitted that ROTHMAN fails at least to teach a garment having a slit-like access

opening, delimited by an upper edge of a bottom piece and a lower edge of the top piece, and two recesses separated by a tab having a tapered basic shape and delimited by first limiting edges, wherein the first limiting edges are arched and transform into likewise arched second limiting edges, wherein the second limiting edges form the upper edge of the bottom piece, and wherein the second limiting edges having an arc radius that is smaller than an arc radius of the first limiting edge, as required by claim 1.

The Official Action contends that ROTHMAN teaches a tab between the two breast openings (Figure 4), fastened to the top piece at 1 and delimited by arched limiting edges forming the upper edge of the bottom piece. That is, the bottom piece is defined by the arch of the tab forming the lower portion of the breast opening. ROTHMAN fails therefore to disclose a slit-like access opening in a casing comprising a front piece and a back piece, the slit-like opening delimited by i) an upper edge of the bottom piece of the front piece, and ii) a lower edge of the top piece of the front piece, as required by claim 1.

Further, ROTHMAN fails to disclose a transverse, slit-like opening delimited by an upper edge of the bottom piece where the upper edge also defines limiting edges of the tab. The only openings, for example, in the vicinity of the upper edge of the bottom piece and a lower edge of the top piece disclosed by

ROTHMAN are the recesses for housing the breasts, which are clearly an open cavity and not slit-like.

ROTHMAN also discloses recesses not separated by a tab having i) a tapered basic shape and ii) delimited by first arched limiting edges which transform into second arched limiting edges, where the second arched limiting edges form the upper edge of the bottom piece and have an arc radius smaller than that of the first limiting edges.

At best, a slit-like access opening of ROTHMAN would be delimited by the upper edges of both the top piece and the bottom piece.

ROTHMAN also fails to teach that any tab fastened on an inside of the top piece.

It is therefore respectfully submitted that ROTHMAN fails to teach all the features required by claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

The Official Action rejected claims 1-4 under 35 USC 102(b) as being anticipated by Nelson (US 2,654,091; "NELSON").

In reply, it is respectfully submitted that NELSON fails to teach a transverse, slit-like access opening, which is delimited by i) an upper edge of the bottom piece, and ii) a lower edge of the top piece, the bottom piece being formed with a tab which is fastened on an inside of the top piece, as required by claim 1.

In particular, no such transverse, slit-like access opening is identifiable in NELSON. On the contrary, NELSON discloses "[t]he combined fastening elements when engaged effectively prevent any separation of the body portion 10 and the brassiere 16 and the combined garment has the effect and gives the appearance of a single, smooth free-flowing line..." (column 3, lines 34-38).

It is also respectfully submitted that NELSON is silent as to any mutual relationship of any arc radii of any tab limiting edges of the upper edge of the bottom piece.

Accordingly, it is respectfully submitted that NELSON fails to anticipate, and that claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

It is also respectfully submitted that claims depending from claim 1 are patentable over ROTHMAN and NELSON at least for depending from a patentable claim, as described above.

For example, it is respectfully submitted that claim 2 is patentable over both ROTHMAN and NELSON as neither reference, individually or in combination, teach or suggest a neckband, as required by the claim.

New dependent claim 5 is submitted as patentable as neither ROTHMAN nor NELSON, individually or in combination, teach or suggest the lower edge of the top piece configured to lift and expose a breast in one of the two recesses (19) and alternatively

to lay pressed against an outside of the upper edge (13) of the bottom piece (11).

It is further respectfully submitted that new independent claim 6, and claims depending therefrom, are patentable for at least the same reasons set forth above as to claims 1-5.

Reconsideration and allowance of the claims are respectfully requested.

In addition, it is respectfully submitted that neither of ROTHMAN or NELSON, taken alone or in combination, would give one skilled in the art using common general knowledge any guidance or hints towards the claimed invention. Accordingly, it is submitted that ROTHMAN and NELSON are not readily combinable.


From the foregoing, it will be apparent that Applicant has fully responded to the September 11, 2008 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Jeremy G. Mereness, Reg. No. 63,422
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JGM/fb